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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DAWOOD PARKER

ART UNIT: 3742

SERIAL NO.: 09/762,923

EXAMINER: DANIEL L. ROBINSON

FILED: APRIL 16, 2001

TITLE: OPTICAL DEVICE

ELECTIONS IN REPLY TO RESTRICTION AND ELECTION-OF-SPECIES
REQUIREMENTS OF THE SECOND OFFICE ACTION

Mail Stop Non-Fee Amendments (Pats.)
Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In reply to the second Office Action, dated April 23, 2004, please enter the election-of-invention and election-of-species in response to the Examiner's election requirements, as indicated on the following pages:

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as First Class Mail addressed to: Hon. Commissioner for Patents, United States Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450.

A handwritten signature in cursive script, appearing to read "Edwin D. Schindler".

Edwin D. Schindler, Reg. No. 31,459

May 24, 2004

Date

ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT

Applicant hereby elects the invention of Claims 40-51 ("Group II"), drawn to a method of monitoring oxygenation, classified in Class 600, subclass 323, for prosecution in the present application.

ELECTION IN RESPONSE TO ELECTION-OF-SPECIES REQUIREMENT

Applicant hereby elects the species-of-invention of "Species B," drawn to a method of monitoring oxygenation of blood based on an optimal spectrum, upon which Claims 45-51 are presently readable, and to which the foregoing elected invention is to be limited in the present prosecution in the event that no generic claim drawn to the elected invention (*i.e.*, Claims 40-51) is ultimately allowed.